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REVIEW OF THE EFFICIENCY OF THE ADMINISTRATIVE AND FINANCIAL FUNCTIONING OF THE UNITED NATIONS

Report of the Fifth Committee (Part IV)

Rapporteur: Mr. Djamel MOKTEFI (Algeria)

I. INTRODUCTION

1. The previous recommendations made by the Fifth Committee to the General Assembly under agenda item 114 appear in the reports of the Committee contained in documents A/52/746 and Add.1 and 2.

2. The Fifth Committee resumed its consideration of the item at its resumed 68th meeting, on 26 June 1998. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary record (A/C.5/52/SR.68/Add.1).

3. For its consideration of the item, the Committee had before it the reports of the Secretary-General (A/52/698, A/52/709 and Corr.1, A/52/710, A/52/823, A/C.5/52/43, A/C.5/52/51 and A/C.5/52/54) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/52/890).

II. CONSIDERATION OF DRAFT RESOLUTION

Draft resolution A/C.5/52/L.55

4. At the resumed 68th meeting, on 26 June, the representative of the Bahamas, on behalf of the Chairman, introduced a draft resolution entitled "Gratis personnel provided by Governments and other entities" (A/C.5/52/L.55), submitted on the basis of informal consultations, and orally revised it as follows:

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(a) The square brackets around operative paragraph 10 were removed, and the words "at its _____ meeting, on ___ June 1998" were replaced by the words "at its resumed 68th meeting, on 26 June 1998";

(b) The square brackets around operative paragraph 19 were removed.

5. At the same meeting, the Committee adopted draft resolution A/C.5/52/L.55, as orally revised, without a vote (see para. 6).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Gratis personnel provided by Governments and other entities

The General Assembly,

Reaffirming its resolutions 51/243 of 15 September 1997 and 52/220 of 22 December 1997,

Also reaffirming Articles 97, 100 and 101 of the Charter of the United Nations,

Recalling its resolution 52/12 A of 12 November 1997,

Having considered the reports of the Secretary-General on gratis personnel provided by Governments and other entities[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Reaffirming financial regulation 7.2 and financial rule 107.7 of the Financial Regulations and Rules of the United Nations,

1. Requests the Secretary-General to ensure that there is strict compliance with the provisions of its resolution 51/243, in particular paragraphs 4 and 9;

2. Reaffirms that the programme of work and mandates approved by Member States must be financed in the manner determined by the General Assembly, based upon proposals of the Secretary-General;

3. Recognizes that the use of gratis personnel should not be the result of poor personnel planning, and emphasizes that gratis personnel are not a substitute for staff to be recruited against authorized posts for the implementation of mandated programmes and activities;

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[1] A/52/698, A/52/709 and Corr.1, A/52/710 and A/52/823.

[2] A/52/890.

4. Decides that gratis personnel should not be sought for positions kept vacant solely for financial reasons;

5. Reiterates that it is necessary that fully substantiated and comprehensive proposals on the total requirements from all sources of funding be presented so as to enable the General Assembly to decide on the level of resources required to implement fully all mandated programmes and activities, and requests that the Secretary-General present all future budgets and budget outlines in that manner, in accordance with Assembly resolution 41/213 of 19 December 1986;

6. Decides that gratis personnel shall not be considered staff members of the United Nations;

7. Endorses the observation of the Advisory Committee on Administrative and Budgetary Questions[3] that lack of adequate staff resources should not give rise to the acceptance of type II gratis personnel and that in future clearer demonstration and justification should be given that acceptance of gratis personnel meets the requisite criteria contained in paragraph 4 of resolution 51/243;

8. Also endorses the observations of the Advisory Committee on Administrative and Budgetary Questions that type II gratis personnel should not be accepted on the grounds of failure by the Secretariat to recruit staff in an expeditious manner;[4]

9. Requests the Secretary-General to complete, as a matter of priority, the process of recruitment of staff to replace type II gratis personnel in accordance with resolution 51/243 by the end of February 1999, including through the redeployment of staff, recruitment of civilians, civilian police and serving military officers of Member States, as well as through changes in work distribution and methods, and to ensure adequate handover arrangements to provide the continuity of expertise and the proper and efficient functioning of all departments concerned, in accordance with Articles 97, 100 and 101 of the Charter of the United Nations;

10. Takes note of the commitment of the Secretary-General to phase out gratis personnel and to replace them with United Nations-funded personnel by the end of February 1999, as presented to the Fifth Committee at its resumed 68th meeting, on 26 June 1998;[5]

11. Emphasizes that expeditious implementation of action 3, contained in the report of the Secretary-General entitled "Renewing the United Nations: a

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[3] Ibid., para. 4.

[4] Ibid., para. 6.

[5] See A/C.5/52/54.

programme for reform",[6] is relevant to his task of managing the Secretariat in accordance with Articles 97, 100 and 101 of the Charter of the United Nations, and is essential for sustaining the momentum of reform;

12. Looks forward to the comprehensive report of the Secretary-General on, inter alia, the implementation of action 3, to the General Assembly at the main part of its fifty-third session;

13. Notes with concern that functions that should be performed by the staff of the United Nations are being performed by gratis personnel, and requests the Secretary-General to ensure that functions such as verification of claims, processing reimbursement of contingent-owned equipment and development of personnel databases, which are considered to be core functions, are performed by United Nations personnel;

14. Takes note of the report of the Secretary-General;[7]

15. Requests the Secretary-General to ensure that future quarterly reports on the acceptance of type II gratis personnel are issued in a timely fashion and that they contain more accurate, comprehensive, complete and integrated information about gratis personnel, similar to the information provided in the first report on type II gratis personnel,[8] so as to enable Member States to take informed decisions;

16. Approves the revised guidelines on gratis personnel as reflected in the report of the Secretary-General of 21 November 1997[9] and the recommendations made by the Advisory Committee on Administrative and Budgetary Questions in paragraph 11 of its report[2] and annex I thereto and the explanation contained in that annex, and subject to the provisions of the present resolution;

17. Decides to amend paragraph 9 of the report of the Secretary-General, as follows:

> "9. Gratis personnel may not supervise staff members in the exercise of their official duties or be involved in decisions affecting the status, rights and entitlements of staff members. The only exception to this rule would be in those cases where the gratis personnel might have managerial responsibility for staff members who provide direct support to them.";

18. Also decides to add at the end of the first sentence of paragraph 12 of the report the following words: "unless there are exceptional circumstances beyond the control of the Secretary-General, in which case the approval of the

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[6] A/51/950.

[7] A/52/823.

[8] A/52/709 and Corr.1.

[9] A/52/698.

General Assembly should be sought to maintain the gratis personnel beyond this period";

19. Regrets the contradictory and inconsistent information provided to the Fifth Committee by representatives of the Secretary-General on this issue which affected adversely the deliberations of the Committee and impeded informed and timely decisions;

20. Decides to resume consideration of the issue of gratis personnel at the third part of its resumed fifty-second session.